

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23061 of 2023

Arising Out of PS. Case No.-439 Year-2022 Thana- CHIRAIYA District- East Champaran

Sunita Devi Wife Of Radha Sah R/O Village- Khartari, P.S.- Chiraiya,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar No.1, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, APP
For the Informant	:	Mr. Abhshek Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned APP for the State.

02. Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Chiraiya P.S. Case No. 439 of 2022 registered on
12.10.2022 for the alleged offences under Sections 302/34 of the
Indian Penal Code.

04. As per prosecution case, over some minor dispute,
some altercation took place between the father of the informant
and husband of the petitioner and the petitioner and his co-accused
two sons assaulted the father of the informant with an iron pipe.
The allegation against co-accused Radha Sah is that he assaulted
the father of the informant on his head with an iron pipe. The



informant's father died during the course of his treatment.

05. Learned counsel for the petitioner submits that the petitioner is a lady and she is innocent and has been falsely implicated in this case. There is no specific allegation of assault against the petitioner and the allegation against the petitioner and other co-accused person is general and vague except the allegation against co-accused Radha Sah who is stated to have assaulted the informant's father on his head with an iron pipe. Postmortem report also shows the death was caused due to head injury. The petitioner is in custody since 13.10.2022 and charge-sheet has been submitted. The petitioner has got no criminal history.

06. Learned APP for the State as well as learned counsel for the informant vehemently oppose the prayer for bail. Learned counsel for the informant submits that the petitioner and other co-accused persons assaulted the father of informant with iron rod and three injuries have been found the body of the deceased. However, the learned counsels concede that the cause of death is stated to be intercranial hemorrhage due to head injury and there was only one injury over right frontal region on the head of the informant's father.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioner and also the



fact that she is a lady and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Sikrahana at Dhaka in connection with Chiraiya P.S. Case No. 439 of 2022 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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